



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

July 1, 2009

CERTIFIED MAIL

7007 0220 0004 6659 1528

Lake Stevens Sewer District
Attn: Darwin Smith, Manager
1106 Vernon Road, Suite A
Lake Stevens, WA 98258

RE: Second Amendment to Administrative Order #5335, Sunnyside Wastewater Treatment Facility project, Wetlands and Ebey Slough, Everett, Snohomish County, Washington

Dear Mr. Smith:

Enclosed is a second amendment to the Water Quality Certification issued on February 14, 2008, for the above project. The first amendment was issued on February 24, 2009.

If you have any questions, please contact Paul Anderson at (425) 649-7148. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

Geoff Tallent, Section Manager
Northwest Regional Office
Shorelands and Environmental Assistance Program

GT:psa:cja

Enclosure

cc: Jonathan Smith, U.S. Army Corps of Engineers
Matt Bennett, U.S. Army Corps of Engineers
Jamie Bails, WA Department of Fish and Wildlife
Brenda Werden, WA Department of Natural Resources
Karen Myers, U.S. Fish and Wildlife Service



Brett Farman, NOAA Fisheries
Claude Williams, Puget Sound Clean Air Agency
Ed Caine, Snohomish County Dept of Planning and Development Svcs
Roxanne Justice, City of Lake Stevens
Michael Jauhola, Gray & Osborne, Inc.
Jim Dougherty, Gray & Osborne, Inc.
Sean Curran, Curran Environmental Services, LLC
Keith Lynn
May Mar Aung Ko
Byron Parsons
Cloreta & Ronald Rodriguez
Dean Knight
Bruce & Jessica Brill
Malcolm Mcnaughton & Coreen Mcenery
Velda Myers
Murna Huber
Douglas Hageman
Richard & Jill Snow
Timothy Yates
Robert Hansen
Murna Willott
Mark & Christine Hinricksen
Andrew & Mary Stole
Solveig Vinje
Mary Petrelli
Terry Ion
Bernie & Glenn Grinnell
Esther Mckay
Jerold Wynne
Rex Ryan
Scott Packebush
Brian & Luanne White
Gabriel Rohweder
Kevin & Rhonda Blair
David Anderson
Owner or Resident, 818 72nd Dr SE, Everett, WA 98205
Scott & Jodi Rennie
Dan & Janet Peterson
Jeffrey Towne
Janice Drayton
Jacqueline Haase
Thomas Bosserman
Virgil & Anna Vincent
John Stewart & Kim Henderson
Lance Carleton
State Department of Game
Reid & Mary Carleton
Brian Huber
Owner or Resident, 925 Sunnyside Blvd SE, Everett, WA 98205
Owner or Resident, 1029 Sunnyside Blvd SE, Everett, WA 98205
Lake Stevens Sewer District

Owner or Resident, 630 Sunnyside Blvd SE, Everett, WA 98205
Owner or Resident, 1125 Sunnyside Blvd SE, Everett, WA 98205
William Cunningham
Owner or Resident, 1000 Sunnyside Blvd SE, Everett, WA 98205
Sharon TTEE Holtz
William Carleton
James Thrash
Robert Lundvall
Ralph & June Leber
Delores Kaiser
ROF Developments
Jim Leesy Hanson
Cowden
Gogal
Florence & Arnold Johnson
Skip & Neva Alf
Jeanne Sparks
Tim Kaintz
Owner or Resident, 11807 7th Ave NE, Lake Stevens, WA 98258
Cressell
Allen & Mary Swenson

E-cc: Paul Anderson – NWRO
David Pater – NWRO
Laura Fricke – NWRO
Donna Podger – HQ
Christina Merten – NWRO
Chuck Steele – NWRO
Raman Iyer – NWRO

Also, E-Mail to Ecyrefedpermits@Ecy.Wa.Gov

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

**IN THE MATTER OF GRANTING
A WATER QUALITY
CERTIFICATION TO
Lake Stevens Sewer District**

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**ORDER #5335 Second Amendment
U.S. Army Corps of Engineers #200600443**

Sunnyside Wastewater Treatment Facility;
Wetlands and Ebey Slough, Everett,
Snohomish County, Washington.

TO: Lake Stevens Sewer District
Attn: Darwin Smith, Manager
1106 Vernon Road, Suite A
Lake Stevens, WA 98258

As requested on May 7, 2009, the Department of Ecology (Ecology) is amending the above-referenced Administrative Order to reflect the revised project and mitigation proposal. The first amendment to the Order was issued on February 24, 2009.

This amendment is issued under the provisions of Chapter 90.48 RCW and Chapter 173-201A WAC.

Administrative Order #5335 is hereby amended as follows:

1. Project description that reads:

Effluent Pipeline/Outfall: Install a new 30-inch HDPE pipeline with a diffuser system. The outfall will extend approximately 95 feet into Ebey Slough from the Ordinary High Water Mark. Work includes:

- Trench wetland/pasture and pull back the levee approximately 20 feet.
- Create a temporary 10-foot-wide access roadway adjacent to the trench.
- Approximately 0.5 acre total wetland impact (.02 acre permanent and 0.48 acre temporary)
- Create approximately 0.02 acre riparian wetland on the west side of the levee and plant native riparian vegetation.

Is replaced with:

- Effluent Pipeline/Outfall: Install a new 30-inch HDPE pipeline with a diffuser system for effluent and a new 12-inch HDPE pipeline for stormwater discharge. The effluent and stormwater pipelines will be installed at the same time in the same trench. The stormwater pipe will discharge into Ebey Slough. The effluent outfall will extend approximately 95 feet into Ebey Slough from the Ordinary High Water Mark. Work includes:
 - Trench wetland/pasture and pull back the levee approximately 20 feet.
 - Create a temporary 10-foot-wide access roadway adjacent to the trench.
 - Approximately 1.03 acres total wetland impact (.02 acre permanent and 1.01 acre temporary)
 - Create approximately 0.02 acre riparian wetland on the west side of the levee and plant native riparian vegetation.

No other conditions or requirements of the above-mentioned Order are affected by this Amendment. The Department of Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this amendment may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amendment.

Appeal Process

You have a right to appeal this Amendment. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

Deliver your appeal in person to:

The Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

OR

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey, WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

Deliver your appeal in person to:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, WA 98504-7608

OR

The Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. And send a copy of your appeal to:

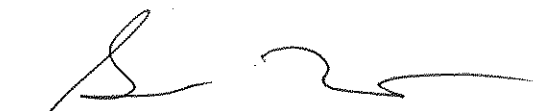
Department of Ecology
Northwest Regional Office
Attn: Rebekah Padgett
3190 160th Avenue SE
Bellevue, WA 98008

For additional information visit the Environmental Hearings Office Website:
<http://www.eho.wa.gov>

To find laws and agency rules visit the Washington State Legislature Website:
<http://www1.leg.wa.gov/CodeReviser>

Your appeal alone will not stay the effectiveness of this Amendment. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

Dated July 1, 2009 at Bellevue, Washington.



Geoff Tallent, Section Manager
Northwest Regional Office
Shorelands and Environmental Assistance Program
Department of Ecology
State of Washington